Attorney Docket No.: 002376.0875

# **DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CARB	ON FIBERS FO	RMED FROM SINGLE	WALL CARBON NAN	IOTUBES	
the specification	of which:	is attached hereto.			
	$\boxtimes$	was filed on:	September 3, 199	99	
		as Application No.:	09/380,545		
		and was amended o	on (if applicable).		
I have rev	viewed and under	rstand the contents of	the above-identified cr	ecification including	
ine claims, as an	nended by any a	mendment referred to :	ahove Lacknowledge	the duty to disclose	
nformation which	is material to pa	tentability as defined in	37 C.F.R. § 1.56.	and daily to allocate	
		Prior Foreign Applic	ation(s)		
I hereby claim foreign priority benefits under Title 35. United States Code, 8.119(a)-(d) or					
\$ 365(b) of any 1	foreign applicatio	on(s) for nations or inve	entaria contificata ar S	20E(a) of any DOT	
ntemational app	ncation willen de	esignated at least one	country other than t	he United States of	
amenca, nsied i	below and have	also identified below	any toreign applicat	ion(s) for patent or	
	ate naving a ming	date belote that of the	application on which p	priority is claimed:	
	Application	Date of Filing	Date of Issue		
Country	Number	(day, month, year)	(day, month, year)	Priority Claimed	
				Yes No No	
				Yes No No	
				Yes No No	
į	I have revite claims, as an information which \$365(b) of any the national appearing, listed to nventor's certificational appearing, listed to the necessity of	I have reviewed and under the claims, as amended by any a sinformation which is material to pass 365(b) of any foreign application ternational application which defends and have nventor's certificate having a filing Application	the specification of which:    Second   Second	was filed on:  as Application No.:  as Application No.:  and was amended on  I have reviewed and understand the contents of the above-identified space information which is material to patentability as defined in 37 C.F.R. § 1.56.  Prior Foreign Application(s)  I hereby claim foreign priority benefits under Title 35, United States Comparison of the application on which provided the application of the application on which provided the application on the application on the application of the application on the application on the application of the application on the application of the application on the application of the application o	

### **Prior Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/040,152	03/07/97
60/055,037	08/08/97
60/063,675	10/29/97
60/064,531	11/05/97
60/067,325	12/05/97
60/047,854	05/29/97

### **Prior United States Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
08/687,665	07/26/96	Pending

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Rodger L. Tate, Registration No. 27,399; Scott F. Partridge, Registration No. 28,142; Jerry W. Mills, Registration No. 23,005; Robert Neuner, Registration No. 24,316; James Remenick, Registration No. 36,902; James B. Arpin, Registration No. 33,470; Laurence H. Posorske, Registration No. 34,698; Floyd B. Chapman, Registration No. 40,555; Robert A. King, Registration No. 42,738; William F. Nixon, Registration No. 44,262; Andrew D. Skale, Registration No. 44,338; Robert L. Troike, Registration No. 24,183; Jay M. Cantor, Registration No. 19,906; and Jay B. Johnson, Registration No. 38,193.

All correspondence and telephone communications should be addressed to: Laurence H. Posorske, Esq., Baker & Botts, L.L.P., The Warner, 1299 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2400, telephone number (202) 639-7700, facsimile number (202) 639-7890, which is also the address, telephone and facsimile numbers of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

f.i

Full Name of First Inventor:

SMALLEY

(Family Name)

Richard

(First Given Name)

F

Date Nov 8, 1998

(Second Given Name)

Citizenship:

USA

Residence:

1816 Bolsover, Houston, TX 77005

Post Office

Address:

Same as Above

### Att rey Docket No. 002376.0875

	Signature	J. Olh	7220	Date	-4-99
	Full Name of Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)		T. (Second Given Name)
	Citizenship:	USA			,,
	Residence:	1911 Milford Street, Houston, T.	X 77098		
	Post Office				
	Address:	Same as above			
	Signature			Date	
	Full Name of Third Inventor:	DAI (Family Name)	Hongjie (First Given Name)		(Second Given Name)
ta La	Citizenship:	CHINA			
Land Range	Residence:	365 Pescadero Terrace, Sunny	vale, CA 94086		
	Post Office Address:	Same as above			
e L	⊧Signature			Date	
Fi.	Full Name of Fourth Inventor:	LIU	Jie	Date	
55 51=		(Family Name)	(First Given Name)		(Second Given Name)
	Citizenship:	CHINA			
	Residence:	5825 Gulfton #3214, Houston, T	X 77081		
	Post Office Address:	Same as above			
	Signature			Date	
	Full Name of Fifth Inventor:	RINZLER (Family Name)	Andrew (First Given Name)		G. (Second Given Name)
	Citizenship:	USA			
	Residence:	6666 Chetwood, Apartment 171	, Houston, TX 770	81	
	Post Office Address:	Same as above			
	, tadi 000.	Came as above			
	Signature			Date	
		HAFNER (Family Name)	Jason (First Given Name)		H. (Second Given Name)
		USA	,		,

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# At 1ey Docket No. 002376.0875

Signature		Olak		Date	11-4-99
Full Name of Second Inventor:	COLBERT (Family Name)		Daniel (First Given Name)		Т.
Citizenship:	USA		(First Given Name)		(Second Given Name)
Residence:		reet, Houston, T	X 77098		
Post Office Address:	Same as above		X 11000		
Signature		Hoy Ce -	Da.	Date _	11/17/99
Full Name of Third Inventor: Citizenship:	DAI (Family Name) CHINA		Hongjie (First Given Name)		(Second Given Name)
Residence: Post Office Address:	365 Pescadero Same as above	•	vale, CA 94086		
Signature				Date _	
Fourth Inventor: Citizenship:	LIU (Family Name) CHINA		Jie (First Given Name)		(Second Given Name)
Residence:		3214, Houston, ٦	TV 77001		
Post Office Address:	Same as above		X 11001		
Ciamatura					
Signature Full Name of Fifth Inventor:	RINZLER (Family Name)		Andrew (First Given Name)	Date _	G.
Citizenship:	USA		(i iist Owen Name)		(Second Given Name)
Residence:	6666 Chetwood	, Apartment 171	, Houston, TX 770	81	
Post Office Address:	Same as above				
Signature				Date	
Full Name of Sixth Inventor:	HAFNER (Family Name)		Jason (First Given Name)		H. (Second Given Name)
Citizenship:	USA		,		(

# Att hey Docket No. 002376.0875

		2		
Signature	Sty Olah		Date	11-4-99
Full Name of Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)		T. (Second Given Name)
Citizenship:	USA	,		( manage and manage
Residence:	1911 Milford Street, Houston, TX	X 77098		
Post Office Address:	Same as above			
Signature			Date _	
Full Name of				· · · · · · · · · · · · · · · · · · ·
Third Inventor:	DAI (Family Name)	Hongjie (First Given Name)		(Second Given Name)
::Citizenship:	CHINA	( wet enter reality)		(Occord Olver Name)
Residence:	365 Pescadero Terrace, Sunnyu	/ale, CA 94086		
Post Office	•			
Address:	Same as above			
eu <b>k</b>	1 1			
∬ <sub>¶</sub> Signature	1X		Doto	11/15/1999
Full Name of			Date_	1. 1111
Fourth Inventor:	LIU	Jie		
Citizonobini	(Family Name)	(First Given Name)		(Second Given Name)
Citizenship: Residence:	CHINA	V 77004		
Post Office	5825 Gulfton #3214, Houston, T	X 77081		
Address:	Same as above			
Signature			Date	
Full Name of		-		
	RINZLER (Family Name)	Andrew (First Given Name)		G. (Second Given Name)
	USA	(i ii st Siven (tame)		(Second Given Name)
Residence:	6666 Chetwood, Apartment 171,	Houston, TX 770	81	
Post Office		,		
Address:	Same as above			
Signature			Date _	
	HAFNER (Family Name)	Jason (First Given Name)		H. (Second Given Name)
	USA	,		(

Signature			Date	
Full Name of Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)		T. (Second Given Name)
Citizenship:	USA	,		,
Residence:	1911 Milford Street, Housto	n, TX 77098		
Post Office Address:	Same as above			
Signature			Date	
Full Name of				
Third Inventor:	DAI (Family Name)	Hongjie (First Given Name)		(Second Civen Name)
Citizenship:	CHINA	(First Given Name)		(Second Given Name)
Residence:	365 Pescadero Terrace, Su	nnvvale CA 94086		
Post Office		my valo, or conso		
Post Office	Same as above			
			Data	
Signature			Date	
Full Name of Fourth Inventor:	LIU	Jie		
	(Family Name)	(First Given Name)		(Second Given Name)
Citizenship:	CHINA			
Residence:	5825 Gulfton #3214, Housto	on, TX 77081		
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	11			1 /
Signature	/ Culve /	<del></del>	Date	11/27/99
Full Name of				/ /
Fifth Inventor:	RINZLER (Family Name)	Andrew (First Given Name)		G.
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Address:	Same as above			
Signature			Data	
Full Name of		<u>.</u>	Date	
Sixth Inventor:	HAFNER (Family Name)	Jason (First Given Name)		H. (Second Given Name)
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# Att ey Docket No. 002376.0875

Signature	ST. Olah	7	Date 1	-4-99
Full Name of Second Inventor:	COLBERT (Family Name)	Daniel (First Given Name)	Date	Т.
Citizenship:	USA	(i iist Oiver Name)		(Second Given Name)
Residence:	1911 Milford Street, Houston, T.	X 77098		
Post Office				
Address:	Same as above			
Signature			Date	
Full Name of				
Third Inventor:	DAI (Family Name)	Hongjie		
Citizenship:	CHINA	(First Given Name)		(Second Given Name)
™ Residence:	365 Pescadero Terrace, Sunny	/ale CA 94086	•	
Post Office		. 4.0, 6.1, 6.000		
Address:	Same as above			
Anen B. Anen B. Minne				
Signature			Data	
ព្រ f <del>T</del> ull Name of			Date	
Fourth Inventor:	LIU	Jie		
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Residence:	CHINA	V 77004		
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Full Name of				
Fifth Inventor:	RINZLER (Family Name)	Andrew		G.
Citizenship:	USA	(First Given Name)		(Second Given Name)
<u> </u>	6666 Chetwood, Apartment 171,	Houston TX 770	R1	
Post Office		110000011, 170 7700	J 1	
Address:	Same as above			
Signature	Jan HHI -		Date /	11-18-99
Full Name of	1 10		Date	
Sixth Inventor:	HAFNER	Jason		Н.
	(Family Name)	(First Given Name)		(Second Given Name)

DEC 16 1999 16:25 FR BALER & BOTTS

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TO 02092#023760875# P.05/08

Attorney Docket No. 002376.0875

Residence:	373 Highland Avenue, No. 203,	Somerville, MA 02	2144	-	
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Full Name of			- Cuit		
Seventh Inventor	SMITH (Family Name)	Ken (First Given Name)		(Second Given Name)	
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Residence:	17431 Fairway Oaks, Spring, TX	77379			
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j Signature	E TITO		Date 1	2/20/99	
Full Name of		•		,	
Eighth Inventor.	GUO (Family Name)	Ting (First Given Name)		(Second Given Name)	
Citizenship:	CHINA	•		•	
Residence.	8176 Caminito Sonoma, La Jolia	, CA 92037 / 2	612 C	alder Court	\
Post Office	8176 Caminito Sonoma, La Jolla Same as above		la vi's	CA 95616 1	Curson
Address:	Same as above	(0	~	a	de res,
Signature			Date		
Full Name of		<u> </u>			
Ninth Inventor:	NIKOLAEV (Family Name)	Pavel (First Given Name)		(Second Given Name)	
Citizenship <sup>a</sup>	RUSSIA	·		•	
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Signature			Date		
	THESS (Family Name)	Andreas (First Given Name)		(Second Given Name)	
	GERMANY	,		•	
Residence.	Max-Planck-Institut Fur Biochem	ie, Abteilung Molei	rulace,		
	Strukturbiologie am Klopferspitz	•	•	many	
Post Office	,			-	

Residence:	373 Highland Avenue, No. 203, Somerville, MA 02144			
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Signature	1/272		Date <sub>-</sub>	11.4.99
Full Name of	·			
Seventh Inventor	r: SMITH (Family Name)	Ken		
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Full Name of Eighth Inventor:	GUO (Family Name)	Ting (First Given Name)	Date _	(Second Given Name)
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Residence:	8176 Caminito Sonoma, La Jolla	a, CA 92037		
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Signature	_ <del>\$100</del>		Date _	11.8.99
Full Name of Ninth Inventor:	NIKOLAEV (Family Name)	Pavel (First Given Name)		(Second Given Name)
Citizenship:	RUSSIA			•
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Full Name of Tenth Inventor:	THESS (Family Name)	Andreas (First Given Name)		(Second Given Name)
Citizenship:	GERMANY			,
Residence:	Max-Planck-Institut Fur Biochem	ie, Abteilung Mole	kulace,	
	Strukturbiologie am Klopferspitz	-	•	Germany
Post Office Address:	Sames as above		,	•

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Residence:	373 Highland Avenue, No. 203, Somerville, MA 02144			
Post Office Address:	Same as above			
	/			
Signature	1/872		Date _	11.4.99
Full Name of				
Seventh Inventor:	SMITH (Family Name)	Ken (First Given Name)		(Second Given Name)
Citizenship:	USA	(		(
Residence:	17431 Fairway Oaks, Spring, TX	77379		
"Post Office "Address:	P.O. Box 11049, Spring, TX 773	391-1049		
} ੂSignature			Date _	
Full Name of				
Eighth Inventor:	GUO (Family Name)	Ting (First Given Name)		(Second Given Name)
Citizenship:	(Family Name) CHINA	(First Given Name)		(Second Given Name)
Residence:	8176 Caminito Sonoma, La Jolla	a, CA 92037		
Post Office Address:	Same as above			
	1.			
Signature			Date _	(1.8.99
Full Name of	1 W -	•		
Ninth Inventor:	NIKOLAEV (Family Name)	Pavel (First Given Name)		(Second Given Name)
Citizenship:	RUSSIA	(i iist Given Hame)		(Occord Given Name)
Residence:	2232 1/2 Troon, Houston, TX 7	7019		
Post Office Address:	Same as above			
Signature	Andreas TR		Doto	Nov 17, 1999
			Date_	7000 11, 1111
Full Name of Tenth Inventor:	THESS (Family Name)	Andreas (First Given Name)		(Second Given Name)
Citizenship:	GERMANY	,		,
Residence:	Max-Planck-Institut Fur Biochen	nie, Abteilung Mole	kulace,	
	Strukturbiologie am Klopferspitz			, Germany
Post Office Address:	Sames as above			·

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Richard E. Smalley et al.

For:

CARBON FIBERS FORMED FROM

SINGLE-WALL CARBON

**NANOTUBES** 

Atty Dkt:

11321-P012WOUS

(formerly 002376.0875)

Serial No:

09/380,545

Filed:

September 3, 1999

Group Art Unit: 1754

Examiner:

Stuart Henderson

703.308.2539

CERTIFICATE OF MAILING (37 C.F.R. 1.8)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below.

Printed Name

7-14-01

Sign

Assistant Commissioner for Patents Washington, DC 20231

SUBSTITUTE POWER OF ATTORNEY

Sir:

William Marsh Rice University, being the assignee of all right, title and interest in and to the above-identified patent application by means of an assignment recorded on December 22, 1999, on Reel 010644, Frame 0517, hereby revokes all powers of attorney previously granted with respect to the present application, and hereby appoints:

Ross S. Garsson, Reg. No. 38,150, Hugh R. Kress, Reg. No. 36,574; Robert C. Shaddox, Reg. No. 34,011; Henry L. Ehrlich, Reg. No. 39,663; and Timothy M. Donoughue, Reg. No. 46,668,

each an attromey with the firm of Winstead Sechrest & Minick, P.C., as its attorneys to prosecute the captioned application, and to transact all business in the Patent and Trademark Office connected therewith.

IN RE APPLICATION S.N. 09/380,545 RICHARD E. SMALLEY ET AL SUBSTITUTE POWER OF ATTORNEY

# Please address all future correspondence to:

Hugh R. Kress
Winstead Sechrest & Minick, P.C.
2400 Bank One Center
910 Travis Street
Houston, Texas 77002
713.650.2714 (voice)
713.650.2400 (fax)

William Marsh Rice University

Date: 7/19/0/

By: Daryl S. Boudreaux

Director, Office of Technology Transfer

HOUSTON\_1\504475\1 07/18/2001 - 11321-P012WOUS

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Smalley et al.

Serial No.:

09/380,545

Filing Date:

Dec. 22, 1999

For:

CARBON FIBERS FORMED FROM SINGLE-WALL

CARBON NANOTUBES

Examiner:

Not Yet Assigned

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

# CERTIFICATE OF FACSIMITE TRANSMISSION Thereby critive that this paper for Application, Registration and/or the paper identified herein is being freesimile transmitted to the Patent and Trademark Office fax number indicated below on the date indicated below. CONCOLOGIC Signature CONCOLOGIC Printed 703/308-7048 Fax. No.

# REVOCATION AND SUBSTITUTION OF POWER OF ATTORNEY

William Marsh Rice University, the Assignee for the above-referenced patent application, pursuant to an Assignment document which was recorded in the United States Patent and Trademark Office on December 22, 1999, under Reel No. 010644 and Frame No. 0517, hereby revokes any and all prior Powers of Attorney executed in connection with the above-identified patent application, and hereby appoint:

Hugh R. Kress, Reg. 36,574 Dwayne L. Mason, Reg. No. 38,959 Robert C. Shaddox, Reg. No. 34,011

all of the firm of Winstead Sechrest & Minick, P.C., as our attorneys with full power of substitution and revocation, to prosecute said application and any continuations or divisions thereof, and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent application filed thereon before any international authorities under the Patent Cooperation Treaty.

-2-

Please send all correspondence, papers and notices for all purposes to the address listed below:

Robert C. Shaddox WINSTEAD SECHREST & MINICK, P.C. 910 Travis, Suite 2400 Houston, Texas 77002

and direct all telephone calls to Robert C. Shaddox (713) 650-2764. Please also note the attorney docket number: 11321-P012WOUS.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 6/30/00

Ľ.

T.

WILLIAM MARSH RICE UNIVERSITY

By

Printed Name

T:41.

::ODMA\PCDOCS\HOUSTON\_1\438369\1 640:11321-P012WOUS